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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/692,885
Filing Date: October 24, 2003
Appellant(s): SESHADRI ET AL.

Himansu S. Amin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6 March 2006 appealing from the Office
action mailed 5 October 2005

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line

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number, and to the drawing, if any, by reference characters. The brief is deficient because on page 2, paragraph 5 the Specification states:

"Independent claim 1 recites a system for organizing data, comprising: a data storage component; and a plurality of folders comprising links to particular data files stored in the data storage component, the content of the folders controlled at least in part by end-user specified preferences, the folders include any type of link collection defined by a set of relationships. (See e.g., page 105, line 9-page 106, line 26)."

The explicit statement of claim 1 is not found on page 105, line 9-page 106, line 26.

Essentially all of the limitations of independent claim 1 are found on page 105, lines 9-

17. This portion of the Specification does not explicitly state the limitation "the content of the folders". Page 105, line 12 of the Specification states "folders or data containers that can include or exclude items", which suggests the "content of the folders". On page 3, paragraph 1 the Specification states:

"Independent claim 18 recites a system for personalizing data storage, comprising: a data storage component; and a plurality of data containers that store pointers to sections of data stored on the data storage component, the content of the data containers are controlled by end-user programs. (See e.g., page 105, line 9-page 108, line 10)."

The explicit statement of claim 18 is not found on page 105, line 9-page 108, line 10.

This portion of the Specification does not explicitly state the limitation "the content of the folders". Page 105, line 12 of the Specification states "folders or data containers that can include or exclude items", which suggests the "content of the folders". The limitation "controlled by end-user programs" does not appear in this section of the Specification. Likewise, on page 3, paragraph 2 the Specification states:

"Independent claim 30 recites a method of personalizing computers functionality, comprising: writing user preferences with respect to one or more named groups of data in accordance with a developer schema; executing user preferences in response to an

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event; and taking action based on a conditionally valid preference. (See e.g., page 112, lines 1-8 and page 113, lines 18-27)."

The explicit statement of claim 30 is not found on page 112, lines 1-8 and page 113, lines 18-27. Most of the elements of claim 32 are found on page 112, lines 1-8.

However, the limitation "with respect to one or more named groups of data" is not found in either of the two designated sections of the Specification.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Patents:

| | | |
|-----------|---------------------------|---------|
| 5,481,700 | Thuraisingham, Bhavani M. | 01-1996 |
| 5,870,746 | Knutson et al. | 02-1999 |
| 6,343,376 | Saxe et al. | 01-2002 |
| 6,490,718 | Watters, Richard L. | 12-2002 |
| 6,532,471 | Ku et al. | 03-2003 |

Other References :

James Bailey, "An Event-Condition-Action Language for XML", 2002,

<http://www.cs.mu.oz.au/~jbailey/papers/www2002.ps>.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-16, 18, 21, and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Knutson et al. (U.S. Patent No. 5,870,746).

3. Knutson anticipates independent claim 1 by the following:

“...a data storage component...” at col. 7, lines 53-54.

“...a plurality of folders comprising links to particular data files stored in the data storage component...” at col. 8, lines 1-6, col. 44, lines 13-14, col. 41, lines 2-4, and col. 7, lines 53-54.

“...the content of the folders controlled at least in part...” at col. 43, lines 66-67, col. 8, lines 1-6, and col. 45, lines 30-31.

“...by end-user specified preferences...” at col. 62, lines 36-37 and col. 8, lines 11-13.

“...the folders include any type of link collection defined by a set of relationships...” at col. 8, lines 1-6, col. 44, lines 13-14, and col. 12, lines 58-63.

Independent claim 1 is anticipated in Figures 1 and 2. Figure 1 consists of three computers designated by numbers 30, 32, and 34. The input device (21) provides an

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interface for end-users to enter their preferences to the Folder Management Subsystem (54), which resides in the Client Subsystem (12). Computer 32 contains three subsystems and provides a link to computer 34, which contains the Data Warehouse (24), which is a data storage component.

4. As per claim 18, the "...a data storage component..." is taught by Knutson at col. 7, lines 53-54, the "...plurality of data containers storing pointers to sections of data..." is taught by Knutson at col. 12, lines 9-12, col. 28, lines 63-67, and col. 62, lines 26-28, the "...stored on the data storage component..." is taught by Knutson at col. 7, lines 53-54, and the "...content of the data containers being controlled by end-user programs..." is taught by Knutson at col. 43, lines 66-67, col. 12, lines 9-12, col. 45, lines 30-31, col. 4, lines 48-49, and col. 6, lines 56-59.

5. As per claim 2, the "...data storage component stores schematized data..." is taught by Knutson at col. 7, lines 53-54 and col. 7, lines 11-13.

6. As per claim 5, the "...preferences are constructed automatically based on inferences..." is taught by Knutson at col. 8, lines 11-13, col. 20, lines 19-21, and col. 30, lines 55-58 and the "...made from user activity..." is taught by Knutson at col. 7, lines 2-4 and col. 6, lines 51-55.

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7. As per claim 6, the "...preferences specify a plurality of conditions and actions...", is taught by Knutson at col. 8, lines 11-13, col. 7, lines 16-19, and col. 22, lines 22-31.

8. As per claim 7, the "...one of the conditions relates to user context...", is taught by Knutson at col. 7, lines 16-19 and col. 5, lines 25-27.

For claim 7, the term "background" is used to suggest the term context".

9. As per claim 8, the "...preferences specified in accordance with a developer specified schema...", is taught by Knutson at col. 8, lines 11-13, col. 5, lines 56-59, col. 3, lines 48-53, and col. 7, lines 11-13.

For claim 8, the term "analyst" is used to suggest the term "developer".

10. As per claim 9, the "...preferences and schema are stored in tables in the data storage component...", is taught by Knutson at col. 8, lines 11-13, col. 7, lines 11-13, col. 13, lines 8-9, and col. 7, lines 53-54.

11. As per claim 10, the "...preferences are evaluated upon the occurrence of an event...", is taught by Knutson at col. 8, lines 11-13, col. 51, lines 18-19, and col. 44, lines 62-64.

12. As per claim 11, the "...preferences are evaluated in a set oriented fashion utilizing a query language...", is taught by Knutson at col. 8, lines 11-163, col. 51, lines 18-19, and col. 6, lines 32-36.

13. As per claim 12, the "...one or more actions are executed in accordance with a preference...", is taught by Knutson at col. 22, lines 22-31, col. 40, lines 63-65, and col. 8, lines 11-13

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and the "...when the preference conditions are satisfied..." is taught by Knutson at col. 8, lines 11-13 and col. 61, col. 17-19.

14. As per claim 13, the "...action comprises creating a link in a folder..." is taught by Knutson at col. 22, lines 22-31, col. 7, lines 11-13, col. 44, lines 13-14, and col. 8, lines 1-6.

15. As per claim 14, the "...action comprises excluding a link from a folder..." is taught by Knutson at col. 22, lines 22-31, col. 32, lines 15-17, col. 44, lines 13-14, and col. 8, lines 1-6.

For claim 14, the term "remove" is used to suggest the term "exclude".

16. As per claim 15, the "...action comprises deleting a link in one folder..." is taught by Knutson at col. 22, lines 22-31, col. 32, lines 15-17, col. 44, lines 13-14, and col. 8, lines 1-6

and the "...and recreating a link in another folder..." is taught by Knutson at col. 7, lines 11-13, col. 44, lines 13-14, and col. 8, lines 1-6.

17. As per claims 16 and 26, the "...action comprises notifying the user..." is taught by Knutson at col. 22, lines 22-31 and col. 3, lines 38-39.

18. As per claim 21, the "...end-user programs are composed using a graphical user interface..." is taught by Knutson at col. 6, lines 56-59, col. 41, lines 66-67, and col. 5, lines 56-59.

For claim 21, the term "written" is used to suggest the term "composed".

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19. As per claim 23, the "...end-user programs utilize historical information in stored in a data container...", is taught by Knutson at col. 6, lines 56-59, col. 6, lines 51-55, and col. 12, lines 10-12.

20. As per claim 24, the "...execution of the end-user program...", is taught by Knutson at col. 40, lines 63-65 and col. 6, lines 56-59 and the "...comprises executing a query on structured data to produce a result table...", is taught by Knutson at col. 40, lines 63-65, col. 8, lines 42-43, col. 39, lines 24-26, and col. 6, lines 11-14.

21. As per claim 25, the "...one or more actions are taken based on the data in the result table...", is taught by Knutson at col. 22, lines 22-31 and col. 6, lines 11-14.

22. As per claim 27, the "...action includes adding a pointer to a data container...", is taught by Knutson at col. 22, lines 22-31, col. 7, lines 63-67, col. 28, lines 63-67, and col. 12, lines 9-12.

23. As per claim 28, the "...action includes removing a pointer from a data container...", is taught by Knutson at col. 22, lines 22-31, col. 32, lines 15-17, col. 28, lines 63-67, and col. 12, lines 9-12.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 3 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson as applied to claim 1 above, and further in view of Bailey ("On-Event-Condition-Action Language for XML").

As per claim 3, the "...preferences are specified..." is taught by Knutson at col. 8, lines 11-13,
but the "...using a plurality of ON (event) IF (condition) THEN (action) statements..." and the "...and one or more Boolean operators..." are not taught by Knutson.

However, Bailey teaches the use of on event if condition then action statements and the use of Boolean operators as follows"

"...On event if condition do actions. Rather than introducing yet another query language for XML, we use the XPath [32] and XQuery [33] languages to specify events, conditions and actions within our ECA rules. XPath is used in a number of W3C recommendations, such as XPointer, XSLT and XQuery itself, for selecting and matching parts of XML documents and so is well-suited to the requirements of ECA rules. XQuery is used in our ECA rules only where there is a need to be able to construct new fragments of XML. We define each of the components of our ECA rule language

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below, give some example rules, and describe the rule execution semantics..." at sec. 2.

"...The condition part of an ECA rule is either the constant TRUE, or one or more simple XPath expressions connected by the boolean connectives and, or, not..." at section 2.2.

It would have been obvious to one of ordinary skill at the time of the invention to combine Bailey with Knutson to use "on event if condition do actions" syntax and Boolean operators in order to use commonly accepted software systems and gain greater acceptance from potential users. Knutson and Bailey have related applications. They teach the use of computers, the use of databases, the use of networks, the use of markup languages, the use of schema, the use of pointers, and the use of relationships. Knutson provides data stores, folders, links, relationships, and preferences and Bailey provides "on event if condition do actions" syntax and Boolean operators.

26. As per claim 4, the "...preferences are specified utilizing a graphical user interface..." is taught by Knutson at col. 8, lines 11-13 and col. 5, lines 56-59.

27. Claims 17 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson as applied to claims 1 and 18 above respectively, and further in view of Ku et al. (U.S. Patent No. 6,532,471).

As per claim 17, the "...preferences..." is taught by Knutson at col. 8, lines 11-13,
the "...such that they can be dragged, dropped..." is taught by Knutson at col. 21, lines 20-23,
the "...amongst folders..." is taught by Knutson at col. 8, lines 1-6,

but the "...are manifested as physical entities..."

and the "...cut, and pasted...", are not taught by Knutson.

However, Ku teaches the cutting and pasting of physical entities as follows:

"...Objects are actually abstractions of physical entities or conceptual items..." at col. 1, lines 50-51.

"...The user may review the full interface definition language of the object, save the IDL or cut-and-paste it to another program such as a code editor for compiling..." at col. 5, lines 32-35.

It would have been obvious to one of ordinary skill at the time of the invention to combine Ku with Knutson to cut and paste physical entities in order to use commonly accepted means of moving and copying information through a graphical user interface and gain greater acceptance from potential users. Knutson and Ku have related applications. They teach the use of computers, the use of databases, the use of networks, the use of pointers, the use of relationships, and the use of entities. Knutson provides data stores, folders, links, relationships, and preferences and Ku provides the cutting and pasting of physical entities.

28. As per claim 29, the "...end-user programs...", is taught by Knutson at col. 6, lines 56-59,
the "...are manifested as physical entities...", is taught by Ku at col. 1, lines 50-51,
the "...that end-users can drag, drop...", is taught by Knutson at col. 4, lines 49-50 and col. 21, lines 20-23,
the "...cut, and paste...", is taught by Ku at col. 5, lines 32-35,
and the "...within data containers...", is taught by Knutson at col. 12, lines 9-12.

29. Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson as applied to claims 1 and 18 above respectively, and further in view of Thuraisingham (U.S. Patent No. 5,481,700).

As per claim 19, the "...end-user programs are written..." is taught by Knutson at col. 6, lines 56-59 and col. 41, lines 66-67, but the "...using propositional logic..." is not taught by Knutson.

However, Thuraisingham teaches the use of propositional logic as follows:

"...In this section, we develop a propositional logic for multilevel environments..." at col. 4, lines 13-14.

It would have been obvious to one of ordinary skill at the time of the invention to combine Thuraisingham with Knutson to use propositional logic in order to use means of supporting multilevel databases and provide greater system utility for potential users. Knutson and Thuraisingham have related applications. They teach the use of computers, the use of databases, the use of networks, the use of schema, and the use of relationships. Knutson provides data stores, folders, links, relationships, and preferences and Thuraisingham provides propositional logic.

30. As per claim 20, the "...end-user programs are written..." is taught by Knutson at col. 6, lines 56-59 and col. 41, lines 66-67 and the "...utilizing predicate logic..." is taught by Thuraisingham at col. 7, lines 63-65 and col. 4, lines 13-14.

31. As per claim 22, the "...end-user programs are constrained..." is taught by Knutson at col. 6, lines 56-59 and col. 8, lines 65-67

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and the "...by a logic schema..." is taught by Thuraisingham at col. 4, lines 13-14 and col. 11, lines 62-65.

32. Claims 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson et al. (U.S. Patent No. 5,870,746), Watters (U.S. Patent No. 6,490,718), and Saxe (U.S. Patent No. 6,343,376).

31. Knutson renders obvious independent claim 30 by the following:
"...writing user preferences..." at col. 15, lines 59-62 and col. 8, lines 11-13.
"...in accordance with a developer schema..." at col. 3, lines 48-53 and col. 3, lines 26-29.
"...executing user preferences in response to an event..." at col. 10, lines 25-26, col. 8, lines 11-13, col. 8, lines 53-54, and col. 44, lines 62-64.

In claim 30, the term "analyst" is used to suggest the term "developer". Knutson does not teach the use of named groups of data and the use of conditionally valid preferences.

32. However, Watters teaches the use of named groups of data as follows:
"...with respect to one or more named groups of data..." at col. 1, lines 27-30.

It would have been obvious to one of ordinary skill at the time of the invention to combine Watters with Knutson to use named groups of data in order to associate control information with the groups of related data. Knutson and Watters have related applications. They teach the use of computers, the use of data files, the use of networks, and the use of entities. Knutson provides data stores, schema, events, and preferences and Watters provides named groups of data.

Knutson does not teach the use of conditionally valid preferences.

33. However, Saxe teaches the use of conditionally valid preferences as follows:

“...and taking action based on a conditionally valid preference...” at col. 10, lines 23-29, col. 1, lines 66-67, col. 2, lines 1-2, and col. 22, lines 36-39.

It would have been obvious to one of ordinary skill at the time of the invention to combine Saxe with Knutson and Watters to use conditionally valid preferences in order to use context to analyze potential actions upon occurrence of events. Knutson, Watters, and Saxe have related applications. They teach the use of computers and the use of data files and Knutson and Saxe teach the use of databases, the use of links, the use of pointers, the use of relationships and the taking of actions. Knutson provides data stores, schema, events, and preferences, Watters provides named groups of data, and Saxe provides conditionally valid preferences. In claim 30, the term “choice” is used to suggest the term “preference”.

34. As per claim 31, the “...events are received from a plurality of event sources...” is taught by Knutson at col. 44, lines 62-64, col. 15, lines 64-66, and col. 30, lines 10-13.

35. As per claim 32, the “...event source...” is taught by Knutson at col. 44, lines 62-64 and col. 30, lines 10-13, the “...is a named group of data...” is taught by Watters at col. 1, lines 27-30, and the “...and the event is a change in the data associated therewith...” is taught by Knutson at col. 44, lines 62-64, col. 31, lines 41-45, and col. 29, lines 56-59.

36. As per claim 33, the "...preference execution comprises translating end-user specified preferences into queries...", is taught by Knutson at col. 40, lines 62-65, col. 6, lines 63-66, col. 62, lines 36-37, col. 8, lines 11-13, and col. 8, lines 41-43 and the "...and executing queries on structured data...", is taught by Knutson at col. 16, lines 32-35 and col. 39, lines 24-26.

37. As per claim 34, the "...named group of data...", is taught by Watters at col. 1, lines 27-30 and the "...can be used as a constant argument to a condition or action...", is taught by Knutson at col. 16, lines 26-28, col. 17, lines 15-18, and col. 22, lines 22-31.

38. As per claim 35, the "...taking action corresponds to including a data file...", is taught by Knutson at col. 22, lines 22-31, col. 36, lines 43-45, and col. 36, lines 30-32 and the "...into a named group of data...", is taught by Watters at col. 1, lines 27-30.

39. As per claim 36, the "...taking action corresponds to excluding a data file...", is taught by Knutson at col. 22, lines 22-31, col. 32, lines 15-17, and col. 36, lines 30-32 and the "...from a named group of data...", is taught by Watters at col. 1, lines 27-30.

40. As per claim 37, the "...computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 32...", is taught by Knutson in Figure 27.

(10) Response to Argument

In the first argument for independent claim 1 on page 4, paragraph 3 and page 5, paragraph 1, the Appellants state:

"Knutson *et al.* relates to expert systems and reporting systems, and more particularly to a system and method for generating reports from a computer database. The Examiner asserts that the cited document at col. 8, lines 1-6, col. 44, lines 13-14, col. 36, lines 30-32 and col. 7, lines 53-54 provides *a plurality of folders comprising links to particular data files stored in the data storage component*. Appellants' representative disagrees. Col. 8, lines 1-6 disclose a client subsystem that includes a log-in module, folder management subsystem, segment builder, measure builder and measure relationship builder, analyst definition subsystem, InfoFrame viewing subsystem and MDT Administrator interface. Col. 44, lines 13-14 provide that a message code should be linked in both the sending and receiving processes. Col. 36, lines 30-32 disclose a service that informs the InfoFrame viewing subsystem that a data file has been updated, and col. 7, lines 53-54 provides a database computer that includes one or more storage media. It would appear from the foregoing that the cited document, and the passages noted by the Examiner, provides a client subsystem having as one of its components a folder management subsystem (rather than a plurality of folders); that a message code (instead of a plurality of folders) is linked to both sending and receiving processes; that a service (rather than links incorporated within particular data files) informs an InfoFrame viewing subsystem that a data file has been updated; and that a data base includes a storage media. In view of the foregoing discrepancies, appellants' representative is perplexed as to how these disparate and unconnected items can be construed as relating to a plurality of folders comprising links to particular data files stored in a data storage component."

The Examiner disagrees. Independent claim 1 is anticipated in Figures 1 and 2. Figure 1 consists of three computers designated by numbers 30, 32, and 34. The input device (21) provides an interface for end-users to enter their preferences to the Folder Management Subsystem (54), which resides in the Client Subsystem (12). Computer 32 contains three subsystems and provides a link to computer 34, which contains the Data Warehouse (24), which is a data storage component. Figure 2 shows that the Client Subsystem (12) contains both the Folder Management Subsystem (54) and the Management Discovery Tool (MDT) Administrator Interface (57). Figure 6 shows the

use of multiple folders by the MDT. Col. 44, lines 13-14 provides MDT interprocess messages, which have links into both sending and receiving processes. Alternatively, computer 32 may be viewed as a link between computer 30 containing the Folder Management Subsystem (54) and the Management Discovery Tool Administrator Interface (57) and computer 34 containing the Data Warehouse (24).

In the second argument for independent claim 1 on page 5, paragraph 2 and page 6, paragraph 1, the Appellants state:

“The Examiner further contends that the *content of the folders being controlled at least in part by end-user specified preferences* is disclosed at col. 43, lines 46-67, col. 8, lines 1-8, and col. 45, lines 30-31, of the cited document. Appellants' representative avers to the contrary. Col. 43, lines 46-67 provide that an mdt_Message abstract base class defines an object that holds the content of an MDT interprocess message. In addition, as stated supra, col. 8, lines 1-6 disclose a folder management subsystem and col. 8, lines 6-8, further provide a log-in module that verifies that only one copy of the client subsystem is running on a computer. Moreover, col. 45, lines 30-31, state that control returns from the csm_ReceiveProcess::Receive0 function to the caller function. Appellants' representative is once again perplexed as to how the noted passages can be construed as being related to the *content of the folders being controlled at least in part by end-user specified preferences* as recited in the subject claim. It is submitted that the indicated passages have no logical relationship with one another, and that the Examiner has undertaken a lexical search and identified incommensurate items within the cited document that neither disclose nor suggest the novel aspects of appellants' claimed invention.”

The Examiner disagrees. Col. 43, lines 66-67 teaches the use of content in MDT messages. Alternatively, col. 32, lines 66-67 and col. 33, lines 1-45 teach the use of folder objects, which are information found in folders. This is a better representation of the content of folders than the “folders or data containers that can include or exclude items” found on page 105, line 12 of the Specification. Figure 15 shows a set of user interface modules that are located in the Client Subsystem (12). In particular, the

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Business Interface Definitions (1515) controls the content of folders. Knutson teaches this functionality as follows:

"...The Business Information Definition 1515 includes all functionality related to addition, modification or deletion of Segments, Measures, and Measure Relationships..." at col. 21, lines 27-29.

The Business Interface Definitions (1515) provide a means of defining user preferences. Knutson teaches that these user preferences are retrieved as a result of the log in process at col. 8, lines 11-13.

In the third argument for independent claim 1 on page 6, paragraph 2, the Appellants state:

"Additionally, the Examiner contends that col. 62, lines 36-37 and col. 8, lines 11-13 provide *content of the folders being controlled at least in part by end-user specified preferences*. Col. 62, lines 36-37 disclose that Drill Down partitions may be specified by the user in the analyst definition, and col. 8, lines 11-13 provides that during logon a log-in module verifies a user's name and password and then retrieves any user preferences that may have earlier been defined. While appellants' representative acknowledges that user specified preferences may inherently be associated with the log-in module that verifies a user's name and password, the fact remains that the Examiner has failed to provide a logical basis upon which to base the assertion that Knutson *et al.* discloses the entirety of the subject claims."

The Examiner disagrees. Knutson teaches the use of folder objects at col. 32, lines 66-67 and col. 33, lines 1-45. Knutson also teaches the selection of user preferences via metadata at col. 7, lines 30-34 and the use of metadata to handle the communications between the client subsystem and the Data Abstraction Intelligence (DAI) subsystem at col. 11, lines 30-35. Figure 1 shows metadata (25) as part of the Data Warehouse (24) and the DAI subsystem (14). Likewise, Figure 2 shows the Metadata API (60) as included in the Client Subsystem (12).

In the fourth argument for independent claim 1 on page 6, paragraph 3, the Appellants state:

"In addition, the Examiner contends that col. 8, lines 1-6, col. 44, lines 13-14 and col. 12, lines 58-63 provide the *folders include any type of link collection defined by a set of relationships*. Appellants' representative disagrees. As has been stated above, col. 8, lines 1-6 provide a folder management subsystem, rather than a plurality of folders. Col. 44, lines 13-14, discloses that message code, in contrast to folders, should be linked to both sending and receiving processes. Arid col. 12, lines 58-63 states that one of the four types of fundamental metadata provided in Knutson *et al.* measure relationships that are simple expressions of business causality used to generate supporting information for an InfoFrame to alert a user to trends that run counter to the set of measure relationships. Appellants' representative is puzzled as to how this can be construed as pertaining to folders that are capable of including any type of link collection defined by a set of relationships."

The Examiner disagrees. The set of relationships at col. 12, lines 58-63 refers to metadata relationships. The response to the third argument shows that the metadata relationships are key to the implementation of user preferences in the DAI subsystem (14), which resides in computer 32. Computer 32 provides a link between the folders managed by the Folder Management Subsystem (54) in the Client Subsystem (12) and the Data Warehouse (24).

In the fifth argument for independent claims 1 and 18 on page 6, paragraph 4, the Appellants state:

"In the Response to Arguments section of the Final Office Action the Examiner, in maintaining the current rejection, asserts that Knutson *et al.* inherently describes each and every limitation set forth in independent claims 1 and 18. Appellants' representative contends that the Examiner is subscribing to mere probabilities or possibilities in an attempt to found inherency to substantiate the instant 35 U.S.C. §102 rejection."

The Examiner disagrees. In this paragraph, the paragraphs on page 7, and the first paragraph on page 8 the Appellants attempt to refute the responses to arguments provided in the final office action. The appropriate background references from Knutson

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provided in the responses to the first four in this Examiner's Answer demonstrate the relationships of the teachings of Knutson within the context of the Knutson invention and how they anticipate independent claim 1.

In the sixth argument for claims 3 and 4 on page 8, paragraph 3, the Appellants state:

"Claims 3 and 4 stand rejected under 35 U.S.C. §103(x) as being unpatentable over Knutson *et al.* as applied to claim 1 above, and further in view of Bailey ("On-Event-Condition-Action Language for XML"). This rejection should be reversed for at least the following reasons. Claims 3 and 4 depend from independent claim 1; and Bailey does not cure the aforementioned deficiencies of Knutson *et al.* with respect to independent claim 1. Accordingly, reversal of the rejection of claims 3 and 4 is requested."

The Examiner disagrees. Since claims 3 and 4 depend on independent claim 1, the responses to the first six arguments have shown that independent claim 1 is anticipated by Knutson, and no additional arguments have made for either claim 3 or 4 then the Knutson and Bailey references render obvious claims 3 and 4.

In the seventh argument for claims 17 and 29 on page 8, paragraph 4, the Appellants state:

"Claims 17 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knutson *et al.* as applied to claims 1 and 18 respectively, and further in view of Ku *et al.* (US 6,532,471). Reversal of this rejection is requested for at least the following reasons. Claims 17 and 29 depend from independent claims 1 and 18 respectively, and Ku *et al.* does not make up for the deficiencies of Knutson *et al.* with respect to independent claims 1 and 18. Accordingly, it is believed that claims 17 and 29 are in condition for allowance and that this rejection should be reversed."

The Examiner disagrees. Since claims 17 and 19 depend on independent claims 1 and 18 respectively, the responses to the first six arguments have shown that independent claims 1 and 18 are anticipated by Knutson, and no additional arguments have made for

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either claim 17 or 19 then the Knutson and Ku references render obvious claims 17 and 19.

In the eighth argument for claims 19, 20, and 22 on page 9, paragraph 1, the Appellants state:

"Claims 19, 20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knutson as applied to claims 1 and 18 above respectively, and further in view of Thuraisingham (US 5,481,700). This rejection should be reversed for at least the following reasons. Claims 19, 20 and 22 depend from independent claim 18, and Thuraisingham does not cure the deficiencies with respect to the primary reference, Knutson *et al.*, with respect to such claim. Accordingly, this rejection should be reversed."

The Examiner disagrees. Since claims 19, 20, and 22 depend on independent claim 18, the responses to the first six arguments have shown that independent claim 18 is anticipated by Knutson, and no additional arguments have made for either claim 19, 20, or 22 then the Knutson and Thuraisingham references render obvious claims 19, 20, and 22.

In the ninth argument for independent claim 30 on page 10, paragraph 2, the Appellants state:

"In the Response to Arguments section of the Final Office Action the Examiner, in maintaining the current rejection, asserts that Knutson *et al.* teaches *writing user preferences* at col. 15, lines 59-62 and col. 8, lines 11-13. Appellants' representative disagrees. While appellants' representative is cognizant that the lexemes identified and highlighted by the Examiner (i.e., "user specifies", "writes", and "user preferences") can be located within the passages cited, the contextual relationship of the identified lexemes with one another and between the disparate unrelated citations nevertheless do not import the meaning that the Examiner seeks to propound as being the language as set forth in the subject claim. For example, col. 15, lines 59-62 relates to Analyst Definitions wherein a user specifies new Business Concepts and indicates where he/she wants them saved, such that a metadata load and update module writes them (i.e., the new Business Concepts) back into a data warehouse for future use. Col. 8, lines 11-13 in contrast pertains to a client subsystem (an application program) that includes a log-in module that verifies that only one copy of the client subsystem is

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running on a computer, checks the localization of the computer, connects to the computer, and interacts with a user to log the user onto the client subsystem. During logon, the log-in module verifies the user's name and password and then retrieves any user preferences that may have been defined earlier. The Examiner nevertheless is of the opinion that "it is quite clear from these teachings that a user specifies user preferences, which are written to memory and later retrieved by the system when the user logs on." (See Final Office Action, page 18). It is perplexing to appellants' representatives' mind how these two contextually disjunct and logically unrelated passages can be coherently conjoined to teach or suggest *writing user preferences* as recited in the subject claim, when the noted passages themselves do not logically teach or suggest such aspects."

The Examiner disagrees. Knutson teaches the selection of user preferences via metadata at col. 7, lines 30-34 and the use of metadata to handle the communications between the client subsystem and the Data Abstraction Intelligence (DAI) subsystem at col. 11, lines 30-35. The entering of choices by the user is equivalent to the writing of user preferences. Figure 1 shows metadata (25) as part of the Data Warehouse (24) and the DAI subsystem (14). Likewise, Figure 2 shows the Metadata API (60) as included in the Client Subsystem (12).

In the tenth argument for independent claim 30 on page 10, paragraph 3 and page 11, paragraph 1, the Appellants state:

"The Examiner further asserts that Knutson *et al.*, at col. 3, lines 48-53 and col. 3, lines 28-29, provides *in accordance with a developer schema*. Col. 3, lines 48-53 provides that an Analyst specifies an event in the data That must trigger an Alert; or specifies the type of analysis and the business measures and segments to be reported on in an InfoFrame, and optionally the schedule on which this InfoFrame is to be generated or the event in the data that must trigger the InfoFrame. Col. 3, lines 26-29, discloses a system that includes four subsystems: a client subsystem, a data abstraction intelligence (DAI) subsystem, a data and schema manipulation subsystem and a scheduler subsystem. How these two disparate and unconnected citations can be combined to teach *in accordance with a developer schema* is quite beyond appellants' representative's comprehension. While it is acknowledged that the word "schema" does appear within the ambit of col. 3, lines 26-29, the schema so disclosed has no relation whatsoever with the Analyst specified event as provided in col. 3, lines 48-53. This leads appellants' representative to once again assert that the Examiner is straining the

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bounds of reasonableness and is gravely misconstruing the cited document in order for it to conform to a perception that is untenable based on the teachings of Knutson *et al.*”

The Examiner disagrees. Knutson teaches the role of the DSM subsystem as follows:

“DSM subsystem 16 reads schema from data warehouse 24, creates data views, and creates a mapping between the two. It also uses that mapping to translate the Dimensional Queries received from DAI subsystem 14 into SQL and package and return the results...”
at col. 7, lines 11-15.

The schema actually resides in the data warehouse. Schema are that basic descriptions of how the files are structured in a database. As such, schema are defined during the development of a system. Throughout Knutson the schema are retrieved from the data warehouse via the DSM subsystem, but are never modified. A development team that developed the system used by Knutson developed the schema. Software development teams usually consist of analysts and programmers. Col. 3, lines 48-53 acknowledges the analyst’s role in creating events that trigger alerts in the DSM subsystem and one or more analysts certainly had a role in defining the schema of the data warehouse. The interaction of the DAI subsystem with metadata would certainly be in accordance with the schema in the data warehouse.

In the eleventh argument for independent claim 30 on page 11, paragraph 2, the Appellants state:

“Additionally, the Examiner asserts that Knutson *et al.* provides *executing user preferences to response to an event* at col. 10, lines 25-26, col. 8, lines 11-13, col. 8, lines 53-54 and col. 44, lines 62-64. Col. 10, lines 25-26 provide that a Scheduled Analysis will be submitted to a server for execution at a later date or periodic execution. Col. 8, lines 11-13 disclose a log-in module that verifies a user’s name and password and then retrieves any user preferences that may have been defined earlier. Col. 8, lines 53-54 state that folder objects are created and deleted by a folder management subsystem in response to user requests, and col. 44, lines 62-64 provide a set of events that occur as a message is transmitted from one process to another using MDT

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(Management Discovery Tool) typed stream handles and a message registry. While it is acknowledged that a Scheduled Analysis is submitted to a server for execution; that a log-in module retrieves user preferences; that folder objects are created and deleted by a folder management subsystem at the behest of a user; and that a set of events that occur as a message are transmitted between two processes, the foregoing does not teach or suggest executing user preferences in response to an event. In fact nowhere in Knutson *et al.* is the execution of user preferences in response to an event taught or suggested. Thus it is submitted there is no rational basis within the teachings of Knutson *et al.* to substantiate this rejection."

The Examiner disagrees. Knutson teaches the use of an event-driven system. Figure 25 shows the Serial Interface (2512) of the DAI subsystem (14). Knutson teaches the use of the serial interface as follows:

"The Serial instance 2512, responsible for executing all of this Clients Serial Requests. These will be Metadata Fetches and Updates, InfoFrame Scheduling Requests and etc. The Serial instance will queue Scheduled InfoFrame Requests in the Scheduler's Queue. The Serial instance will also get the Client's InfoFrame Generation Requests, a Concurrent Request, but it will pass this on the Dispatcher..." at col. 64, lines 20-27.

The metadata fetches and updates are a means used by the DAI subsystem to implement the user's preferences. This relationship is elaborated on in the response to the fourth and ninth arguments. Figure 29 identifies a Trigger List (2901), which contains the serial DAI requests (14A) and thus provides for the execution of triggered events. (See col. 66, lines 58-59). In this manner, the Trigger List provides a means of executing user preferences to response to an event and thus anticipating this limitation in claim 30.

In the twelfth argument for independent claim 30 and claims 31-37 on page 11, paragraph 3 and page 12, paragraph 1, the Appellants state:

"In relation to the secondary and tertiary documents cited by the Examiner, it is submitted that neither make up, either alone or in combination, for the aforementioned deficiencies of Knutson et al. The Examiner in the Response to Arguments section of the Final Office Action however states that "Since the Applicants have not challenged the teachings of Watters and Saxe the Examiner assumes that the limitation "...with respect to one or more named groups of data..." is taught by Watters and the limitation, "...and taking action based on a conditionally valid preference..." is taught by Saxe are indeed taught by Watters and Saxe." (See Final Office Action, page 20). Appellants' representative disagrees with such a statement. While it is recognized that neither Watters nor Saxe would need to replicate those aspects already taught or suggested by Knutson et al., had Knutson et al. elucidated those aspects for which the Examiner places reliance, the fact remains that the primary reference does not teach or suggest the aspects upon which reliance is placed. Consequently, in view of Knutson et al.'s failure in this regard, Watters and/or Saxe must make up for those deficiencies neither taught nor suggested by the primary reference in addition to those aspect for which the Examiner places reliance upon the secondary and tertiary references. Accordingly, in view of at least the foregoing, reversal of this rejection with respect to independent claim 30, and associated dependent claims, is requested."

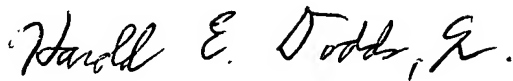
The Examiner disagrees. The responses to the ninth to the eleventh arguments have shown that all of the limitations in independent claim 30 attributed to Knutson are indeed rendered obvious by Knutson. There is no additional requirement that either Watters or Saxe render obvious the limitations taught by Knutson. The Appellants have neither challenged the limitations attributed to the secondary or tertiary reference nor have they challenged the motivations to combine. No additional arguments have been provided for claims 31-37, which depend on independent claim 30. For these reasons, the combined references of Knutson, Watters, and Saxe render obvious claims 30-37.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Harold E. Dodds, Jr.



Patent Examiner


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